

AMENDED IN ASSEMBLY JUNE 11, 2013

AMENDED IN SENATE APRIL 15, 2013

SENATE BILL

No. 745

Introduced by Committee on Transportation and Housing (Senators DeSaulnier (Chair), Beall, Cannella, Gaines, Galgiani, HillHueso, Lara, Liu, Pavley, Roth, and Wyland)

February 22, 2013

An act to amend Sections 1101.5, 1941.4, 2924b, 4005, 4035, 4070, 4090, 4205, 4290, 4350, 4525, 4528, ~~and~~ 4530, ~~and~~ 4920 of, and to repeal Sections 1363.05, 1368, and 1368.2 of, the Civil Code, to amend ~~Section~~ Sections 12191 and 65582 of, and to repeal Section 65585.2 of, the Government Code, and to amend ~~Section~~ Sections 13114 and 50675.14 of the Health and Safety Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

SB 745, as amended, Committee on Transportation and Housing. Housing.

(1) Existing law requires on and after January 1, 2014, replacement of noncompliant plumbing fixtures in multifamily residential real property and commercial real property, as specified.

This bill would make a technical nonsubstantive change.

(1)

(2) Existing law, the Davis-Sterling Common Interest Development Act defines and regulates common interest developments. Operative January 1, 2014, the act will be reorganized and recodified.

This bill would repeal provisions of the act that are superseded by the reorganization and recodification of the act. The bill would make other conforming changes, *would authorize an action that is required to be approved by a majority of a quorum of the members at a duly held*

meeting at which a quorum is present to, instead, be approved by a majority in a duly held election in which a quorum is represented, would revise provisions governing inconsistencies between the governing documents and the law and other inconsistencies to instead apply to conflicts, would authorize delivery of documents to the homeowner's association by specified types of mail delivery, would revise requirements for a board teleconference and the form for billing disclosures, and would prohibit cancellation fees for requests for documents, as specified.

(2)

(3) Existing law requires the lessor of a building intended for residential occupation to ensure that the inside telephone wiring meets the applicable standards of the most recent National Electrical Code.

This bill would replace the reference to the National Electrical Code with the California Electrical Code.

(3)

(4) Existing law requires the State Fire Marshal to adopt regulations to control the quality and installation of fire alarm systems and devices, and prohibits the marketing, distribution, or sale of any fire alarm system or device that has not been approved by the State Fire Marshal.

Existing law, commencing January 1, 2014, requires a smoke alarm to meet prescribed requirements, including, but not limited to, the requirement that it incorporate an end-of-life feature that provides notice that the device needs to be replaced *and that it, if battery operated, contain a nonreplaceable, nonremovable battery capable of powering the smoke alarm at least 10 years* in order for the smoke alarm to be approved by the State Fire ~~Marshal, and Marshal~~. Existing law authorizes the State Fire Marshal to suspend enforcement of this requirement for a period not to exceed 6 months.

This bill would, *commencing July 1, 2014, recast those provisions to, instead, require a smoke alarm that is only battery operated to contain a nonreplaceable, nonremovable battery capable of powering the smoke alarm for at least 10 years in order to be approved by the State Fire Marshal. The bill would also require, commencing January 1, 2015, a smoke alarm to display the manufacture date, provide a place to write the date of installation on the device, and incorporate a hush feature in order for the State Fire Marshal to approve it. The bill would delete the requirement that a smoke alarm incorporate an end-of-life feature, and, the authority for the State Fire Marshal to suspend its enforcement of these requirements.*

(4)

(5) This bill would delete an obsolete provision related to eligibility for funding under the Housing and Emergency Shelter Trust Fund Act of 2002.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1101.5 of the Civil Code is amended to
2 read:

3 1101.5. (a) On or before January 1, 2019, all noncompliant
4 plumbing fixtures in any multifamily residential real property and
5 in any commercial real property shall be replaced with
6 water-conserving plumbing fixtures.

7 (b) An owner or the owner's agent may enter the owner's
8 property for the purpose of installing, repairing, testing, and
9 maintaining water-conserving plumbing fixtures required by this
10 section, consistent with notice requirements of Section 1954.

11 (c) On and after January 1, 2019, the water-conserving plumbing
12 fixtures required by this section shall be operating at the
13 manufacturer's rated water consumption at the time that the tenant
14 takes possession. A tenant shall be responsible for notifying the
15 owner or owner's agent if the tenant becomes aware that a
16 water-conserving plumbing fixture within his or her unit is not
17 operating at the manufacturer's rated water consumption. The
18 owner or owner's agent shall correct an inoperability in a
19 water-conserving plumbing fixture upon notice by the tenant or if
20 detected by the owner or the owner's agent.

21 (d) (1) On and after January 1, 2014, all noncompliant plumbing
22 fixtures in any multifamily residential real property and any
23 commercial—~~residential~~ real property shall be replaced with
24 water-conserving plumbing fixtures in the following circumstances:

25 (A) For building additions in which the sum of concurrent
26 building permits by the same permit applicant would increase the
27 floor area of the space in a building by more than 10 percent, the
28 building permit applicant shall replace all noncompliant plumbing
29 fixtures in the building.

30 (B) For building alterations or improvements in which the total
31 construction cost estimated in the building permit is greater than

1 one hundred fifty thousand dollars (\$150,000), the building permit
2 applicant shall replace all noncompliant plumbing fixtures that
3 service the specific area of the improvement.

4 (C) Notwithstanding subparagraph (A) or (B), for any alterations
5 or improvements to a room in a building that require a building
6 permit and that room contains any noncompliant plumbing fixtures,
7 the building permit applicant shall replace all noncompliant
8 plumbing fixtures in that room.

9 (2) Replacement of all noncompliant plumbing fixtures with
10 water-conserving plumbing fixtures, as described in paragraph (1),
11 shall be a condition for issuance of a certificate of final completion
12 and occupancy or final permit approval by the local building
13 department.

14 (e) On and after January 1, 2019, a seller or transferor of
15 multifamily residential real property or of commercial real property
16 shall disclose to the prospective purchaser or transferee, in writing,
17 the requirements of subdivision (a) and whether the property
18 includes any noncompliant plumbing fixtures. This disclosure may
19 be included in other transactional documents.

20 ~~SECTION 1.~~

21 *SEC. 2.* Section 1363.05 of the Civil Code is repealed.

22 ~~SEC. 2.~~

23 *SEC. 3.* Section 1368 of the Civil Code is repealed.

24 ~~SEC. 3.~~

25 *SEC. 4.* Section 1368.2 of the Civil Code is repealed.

26 ~~SEC. 4.~~

27 *SEC. 5.* Section 1941.4 of the Civil Code is amended to read:

28 1941.4. The lessor of a building intended for the residential
29 occupation of human beings shall be responsible for installing at
30 least one usable telephone jack and for placing and maintaining
31 the inside telephone wiring in good working order, shall ensure
32 that the inside telephone wiring meets the applicable standards of
33 the most recent California Electrical Code, and shall make any
34 required repairs. The lessor shall not restrict or interfere with access
35 by the telephone utility to its telephone network facilities up to the
36 demarcation point separating the inside wiring.

37 “Inside telephone wiring” for purposes of this section, means
38 that portion of the telephone wire that connects the telephone
39 equipment at the customer’s premises to the telephone network at

1 a demarcation point determined by the telephone corporation in
2 accordance with orders of the Public Utilities Commission.

3 ~~SEC. 5.~~

4 SEC. 6. Section 2924b of the Civil Code is amended to read:

5 2924b. (a) Any person desiring a copy of any notice of default
6 and of any notice of sale under any deed of trust or mortgage with
7 power of sale upon real property or an estate for years therein, as
8 to which deed of trust or mortgage the power of sale cannot be
9 exercised until these notices are given for the time and in the
10 manner provided in Section 2924 may, at any time subsequent to
11 recordation of the deed of trust or mortgage and prior to recordation
12 of notice of default thereunder, cause to be filed for record in the
13 office of the recorder of any county in which any part or parcel of
14 the real property is situated, a duly acknowledged request for a
15 copy of the notice of default and of sale. This request shall be
16 signed and acknowledged by the person making the request,
17 specifying the name and address of the person to whom the notice
18 is to be mailed, shall identify the deed of trust or mortgage by
19 stating the names of the parties thereto, the date of recordation
20 thereof, and the book and page where the deed of trust or mortgage
21 is recorded or the recorder's number, and shall be in substantially
22 the following form:

23
24 "In accordance with Section 2924b, Civil Code, request is hereby
25 made that a copy of any notice of default and a copy of any notice of sale
26 under the deed of trust (or mortgage) recorded _____, _____, in Book
27 _____ page _____ records of _____ County, (or filed for record with
28 recorder's serial number _____, _____ County) California, executed
29 by _____ as trustor (or mortgagor) in which _____ is named as
30 beneficiary (or mortgagee) and _____ as trustee be mailed to
31 _____ at _____.
32 Name Address

33 NOTICE: A copy of any notice of default and of any notice of sale will be
34 sent only to the address contained in this recorded request. If your address
35 changes, a new request must be recorded.

36 Signature _____"

37
38 Upon the filing for record of the request, the recorder shall index
39 in the general index of grantors the names of the trustors (or

1 mortgagor) recited therein and the names of persons requesting
2 copies.

3 (b) The mortgagee, trustee, or other person authorized to record
4 the notice of default or the notice of sale shall do each of the
5 following:

6 (1) Within 10 business days following recordation of the notice
7 of default, deposit or cause to be deposited in the United States
8 mail an envelope, sent by registered or certified mail with postage
9 prepaid, containing a copy of the notice with the recording date
10 shown thereon, addressed to each person whose name and address
11 are set forth in a duly recorded request therefor, directed to the
12 address designated in the request and to each trustor or mortgagor
13 at his or her last known address if different than the address
14 specified in the deed of trust or mortgage with power of sale.

15 (2) At least 20 days before the date of sale, deposit or cause to
16 be deposited in the United States mail an envelope, sent by
17 registered or certified mail with postage prepaid, containing a copy
18 of the notice of the time and place of sale, addressed to each person
19 whose name and address are set forth in a duly recorded request
20 therefor, directed to the address designated in the request and to
21 each trustor or mortgagor at his or her last known address if
22 different than the address specified in the deed of trust or mortgage
23 with power of sale.

24 (3) As used in paragraphs (1) and (2), the “last known address”
25 of each trustor or mortgagor means the last business or residence
26 physical address actually known by the mortgagee, beneficiary,
27 trustee, or other person authorized to record the notice of default.
28 For the purposes of this subdivision, an address is “actually known”
29 if it is contained in the original deed of trust or mortgage, or in
30 any subsequent written notification of a change of physical address
31 from the trustor or mortgagor pursuant to the deed of trust or
32 mortgage. For the purposes of this subdivision, “physical address”
33 does not include an email or any form of electronic address for a
34 trustor or mortgagor. The beneficiary shall inform the trustee of
35 the trustor’s last address actually known by the beneficiary.
36 However, the trustee shall incur no liability for failing to send any
37 notice to the last address unless the trustee has actual knowledge
38 of it.

39 (4) A “person authorized to record the notice of default or the
40 notice of sale” shall include an agent for the mortgagee or

1 beneficiary, an agent of the named trustee, any person designated
2 in an executed substitution of trustee, or an agent of that substituted
3 trustee.

4 (c) The mortgagee, trustee, or other person authorized to record
5 the notice of default or the notice of sale shall do the following:

6 (1) Within one month following recordation of the notice of
7 default, deposit or cause to be deposited in the United States mail
8 an envelope, sent by registered or certified mail with postage
9 prepaid, containing a copy of the notice with the recording date
10 shown thereon, addressed to each person set forth in paragraph
11 (2), provided that the estate or interest of any person entitled to
12 receive notice under this subdivision is acquired by an instrument
13 sufficient to impart constructive notice of the estate or interest in
14 the land or portion thereof that is subject to the deed of trust or
15 mortgage being foreclosed, and provided the instrument is recorded
16 in the office of the county recorder so as to impart that constructive
17 notice prior to the recording date of the notice of default and
18 provided the instrument as so recorded sets forth a mailing address
19 that the county recorder shall use, as instructed within the
20 instrument, for the return of the instrument after recording, and
21 which address shall be the address used for the purposes of mailing
22 notices herein.

23 (2) The persons to whom notice shall be mailed under this
24 subdivision are:

25 (A) The successor in interest, as of the recording date of the
26 notice of default, of the estate or interest or any portion thereof of
27 the trustor or mortgagor of the deed of trust or mortgage being
28 foreclosed.

29 (B) The beneficiary or mortgagee of any deed of trust or
30 mortgage recorded subsequent to the deed of trust or mortgage
31 being foreclosed, or recorded prior to or concurrently with the
32 deed of trust or mortgage being foreclosed but subject to a recorded
33 agreement or a recorded statement of subordination to the deed of
34 trust or mortgage being foreclosed.

35 (C) The assignee of any interest of the beneficiary or mortgagee
36 described in subparagraph (B), as of the recording date of the notice
37 of default.

38 (D) The vendee of any contract of sale, or the lessee of any
39 lease, of the estate or interest being foreclosed that is recorded
40 subsequent to the deed of trust or mortgage being foreclosed, or

1 recorded prior to or concurrently with the deed of trust or mortgage
2 being foreclosed but subject to a recorded agreement or statement
3 of subordination to the deed of trust or mortgage being foreclosed.

4 (E) The successor in interest to the vendee or lessee described
5 in subparagraph (D), as of the recording date of the notice of
6 default.

7 (F) The office of the Controller, Sacramento, California, where,
8 as of the recording date of the notice of default, a “Notice of Lien
9 for Postponed Property Taxes” has been recorded against the real
10 property to which the notice of default applies.

11 (3) At least 20 days before the date of sale, deposit or cause to
12 be deposited in the United States mail an envelope, sent by
13 registered or certified mail with postage prepaid, containing a copy
14 of the notice of the time and place of sale addressed to each person
15 to whom a copy of the notice of default is to be mailed as provided
16 in paragraphs (1) and (2), and addressed to the office of any state
17 taxing agency, Sacramento, California, that has recorded,
18 subsequent to the deed of trust or mortgage being foreclosed, a
19 notice of tax lien prior to the recording date of the notice of default
20 against the real property to which the notice of default applies.

21 (4) Provide a copy of the notice of sale to the Internal Revenue
22 Service, in accordance with Section 7425 of the Internal Revenue
23 Code and any applicable federal regulation, if a “Notice of Federal
24 Tax Lien under Internal Revenue Laws” has been recorded,
25 subsequent to the deed of trust or mortgage being foreclosed,
26 against the real property to which the notice of sale applies. The
27 failure to provide the Internal Revenue Service with a copy of the
28 notice of sale pursuant to this paragraph shall be sufficient cause
29 to rescind the trustee’s sale and invalidate the trustee’s deed, at
30 the option of either the successful bidder at the trustee’s sale or
31 the trustee, and in either case with the consent of the beneficiary.
32 Any option to rescind the trustee’s sale pursuant to this paragraph
33 shall be exercised prior to any transfer of the property by the
34 successful bidder to a bona fide purchaser for value. A rescission
35 of the trustee’s sale pursuant to this paragraph may be recorded in
36 a notice of rescission pursuant to Section 1058.5.

37 (5) The mailing of notices in the manner set forth in paragraph
38 (1) shall not impose upon any licensed attorney, agent, or employee
39 of any person entitled to receive notices as herein set forth any
40 duty to communicate the notice to the entitled person from the fact

1 that the mailing address used by the county recorder is the address
2 of the attorney, agent, or employee.

3 (d) Any deed of trust or mortgage with power of sale hereafter
4 executed upon real property or an estate for years therein may
5 contain a request that a copy of any notice of default and a copy
6 of any notice of sale thereunder shall be mailed to any person or
7 party thereto at the address of the person given therein, and a copy
8 of any notice of default and of any notice of sale shall be mailed
9 to each of these at the same time and in the same manner required
10 as though a separate request therefor had been filed by each of
11 these persons as herein authorized. If any deed of trust or mortgage
12 with power of sale executed after September 19, 1939, except a
13 deed of trust or mortgage of any of the classes excepted from the
14 provisions of Section 2924, does not contain a mailing address of
15 the trustor or mortgagor therein named, and if no request for special
16 notice by the trustor or mortgagor in substantially the form set
17 forth in this section has subsequently been recorded, a copy of the
18 notice of default shall be published once a week for at least four
19 weeks in a newspaper of general circulation in the county in which
20 the property is situated, the publication to commence within 10
21 business days after the filing of the notice of default. In lieu of
22 publication, a copy of the notice of default may be delivered
23 personally to the trustor or mortgagor within the 10 business days
24 or at any time before publication is completed, or by posting the
25 notice of default in a conspicuous place on the property and mailing
26 the notice to the last known address of the trustor or mortgagor.

27 (e) Any person required to mail a copy of a notice of default or
28 notice of sale to each trustor or mortgagor pursuant to subdivision
29 (b) or (c) by registered or certified mail shall simultaneously cause
30 to be deposited in the United States mail, with postage prepaid and
31 mailed by first-class mail, an envelope containing an additional
32 copy of the required notice addressed to each trustor or mortgagor
33 at the same address to which the notice is sent by registered or
34 certified mail pursuant to subdivision (b) or (c). The person shall
35 execute and retain an affidavit identifying the notice mailed,
36 showing the name and residence or business address of that person,
37 that he or she is over the age of 18 years, the date of deposit in the
38 mail, the name and address of the trustor or mortgagor to whom
39 sent, and that the envelope was sealed and deposited in the mail
40 with postage fully prepaid. In the absence of fraud, the affidavit

1 required by this subdivision shall establish a conclusive
2 presumption of mailing.

3 (f) (1) Notwithstanding subdivision (a), with respect to separate
4 interests governed by an association, as defined in Section 4080,
5 the association may cause to be filed in the office of the recorder
6 in the county in which the separate interests are situated a request
7 that a mortgagee, trustee, or other person authorized to record a
8 notice of default regarding any of those separate interests mail to
9 the association a copy of any trustee's deed upon sale concerning
10 a separate interest. The request shall include a legal description or
11 the assessor's parcel number of all the separate interests. A request
12 recorded pursuant to this subdivision shall include the name and
13 address of the association and a statement that it is a homeowners'
14 association. Subsequent requests of an association shall supersede
15 prior requests. A request pursuant to this subdivision shall be
16 recorded before the filing of a notice of default. The mortgagee,
17 trustee, or other authorized person shall mail the requested
18 information to the association within 15 business days following
19 the date of the trustee's sale. Failure to mail the request, pursuant
20 to this subdivision, shall not affect the title to real property.

21 (2) A request filed pursuant to paragraph (1) does not, for
22 purposes of Section 27288.1 of the Government Code, constitute
23 a document that either effects or evidences a transfer or
24 encumbrance of an interest in real property or that releases or
25 terminates any interest, right, or encumbrance of an interest in real
26 property.

27 (g) No request for a copy of any notice filed for record pursuant
28 to this section, no statement or allegation in the request, and no
29 record thereof shall affect the title to real property or be deemed
30 notice to any person that any person requesting copies of notice
31 has or claims any right, title, or interest in, or lien or charge upon
32 the property described in the deed of trust or mortgage referred to
33 therein.

34 (h) "Business day," as used in this section, has the meaning
35 specified in Section 9.

36 ~~SEC. 6.~~

37 *SEC. 7.* Section 4005 of the Civil Code is amended to read:

38 4005. Division, part, title, chapter, article, and section headings
39 do not in any manner affect the scope, meaning, or intent of this
40 ~~part~~ *act*.

~~SEC. 7.~~

SEC. 8. Section 4035 of the Civil Code is amended to read:

4035. (a) If a provision of this ~~part~~ *act* requires that a document be delivered to an association, the document shall be delivered to the person designated in the annual policy statement, prepared pursuant to Section 5310, to receive documents on behalf of the association. If no person has been designated to receive documents, the document shall be delivered to the president or secretary of the association.

(b) A document delivered pursuant to this section may be delivered by any of the following methods:

(1) By email, facsimile, or other electronic means, if the association has assented to that method of delivery.

(2) By personal delivery, if the association has assented to that method of delivery. If the association accepts a document by personal delivery it shall provide a written receipt acknowledging delivery of the document.

(3) By first-class mail, postage prepaid, registered or certified mail, express mail, or overnight delivery by an express service center.

SEC. 9. *Section 4070 of the Civil Code is amended to read:*

4070. If a provision of this act requires that an action be approved by a majority of a quorum of the members, the action shall be approved or ratified by an affirmative vote of a majority of the votes represented and voting ~~at a duly held meeting at which a quorum is present~~ *in a duly held election in which a quorum is represented*, which affirmative votes also constitute a majority of the required quorum.

~~SEC. 8.~~

SEC. 10. Section 4090 of the Civil Code is amended to read:

4090. “Board meeting” means either of the following:

(a) A congregation, at the same time and place, of a sufficient number of directors to establish a quorum of the board, to hear, discuss, or deliberate upon any item of business that is within the authority of the board.

(b) A teleconference, where a sufficient number of directors to establish a quorum of the board, in different locations, are connected by electronic means, through audio or video, or both. A teleconference meeting shall be conducted in a manner that protects the rights of members of the association and otherwise

1 complies with the requirements of this act. Except for a meeting
2 that will be held solely in executive session, the notice of the
3 teleconference meeting shall identify at least one physical location
4 so that members of the association may attend, and at least one
5 director or a person designated by the board shall be present at
6 that location. Participation by directors in a teleconference meeting
7 constitutes presence at that meeting as long as all directors
8 participating are able to hear one another, as well as members of
9 the association speaking on matters before the board.

10 *SEC. 11. Section 4205 of the Civil Code is amended to read:*

11 4205. (a) To the extent of any ~~inconsistency~~ *conflict* between
12 the governing documents and the law, the law ~~controls~~ *shall*
13 *prevail*.

14 (b) To the extent of any ~~inconsistency~~ *conflict* between the
15 articles of incorporation and the declaration, the declaration
16 ~~controls~~ *shall prevail*.

17 (c) To the extent of any ~~inconsistency~~ *conflict* between the
18 bylaws and the articles of incorporation or declaration, the articles
19 of incorporation or declaration ~~control~~ *shall prevail*.

20 (d) To the extent of any ~~inconsistency~~ *conflict* between the
21 operating rules and the bylaws, articles of incorporation, or
22 declaration, the bylaws, articles of incorporation, or declaration
23 ~~control~~ *shall prevail*.

24 ~~SEC. 9.~~

25 *SEC. 12. Section 4290 of the Civil Code is amended to read:*

26 4290. (a) The certificate consenting to the recordation of a
27 condominium plan that is required by subdivision (c) of Section
28 ~~4185~~ 4285 shall be signed and acknowledged by all of the
29 following persons:

30 (1) The record owner of fee title to that property included in the
31 condominium project.

32 (2) In the case of a condominium project that will terminate
33 upon the termination of an estate for years, by all lessors and
34 lessees of the estate for years.

35 (3) In the case of a condominium project subject to a life estate,
36 by all life tenants and remainder interests.

37 (4) The trustee or the beneficiary of each recorded deed of trust,
38 and the mortgagee of each recorded mortgage encumbering the
39 property.

(b) Owners of mineral rights, easements, rights-of-way, and other nonpossessory interests do not need to sign the certificate.

(c) In the event a conversion to condominiums of a community apartment project or stock cooperative has been approved by the required number of owners, trustees, beneficiaries, and mortgagees pursuant to Section 66452.10 of the Government Code, the certificate need only be signed by those owners, trustees, beneficiaries, and mortgagees approving the conversion.

SEC. 13. Section 4350 of the Civil Code is amended to read:

4350. An operating rule is valid and enforceable only if all of the following requirements are satisfied:

(a) The rule is in writing.

(b) The rule is within the authority of the board conferred by law or by the declaration, articles of incorporation or association, or bylaws of the association.

(c) The rule is not ~~inconsistent~~ *in conflict* with governing law and the declaration, articles of incorporation or association, ~~and~~ *or* bylaws of the association.

(d) The rule is adopted, amended, or repealed in good faith and in substantial compliance with the requirements of this article.

(e) The rule is reasonable.

~~SEC. 10.~~

SEC. 14. Section 4525 of the Civil Code is amended to read:

4525. (a) The owner of a separate interest shall provide the following documents to a prospective purchaser of the separate interest, as soon as practicable before the transfer of title or the execution of a real property sales contract, as defined in Section 2985:

(1) A copy of all governing documents. If the association is not incorporated, this shall include a statement in writing from an authorized representative of the association that the association is not incorporated.

(2) If there is a restriction in the governing documents limiting the occupancy, residency, or use of a separate interest on the basis of age in a manner different from that provided in Section 51.3, a statement that the restriction is only enforceable to the extent permitted by Section 51.3 and a statement specifying the applicable provisions of Section 51.3.

(3) A copy of the most recent documents distributed pursuant to Article 7 (commencing with Section 5300) of Chapter 6.

(4) A true statement in writing obtained from an authorized representative of the association as to the amount of the association's current regular and special assessments and fees, any assessments levied upon the owner's interest in the common interest development that are unpaid on the date of the statement, and any monetary fines or penalties levied upon the owner's interest and unpaid on the date of the statement. The statement obtained from an authorized representative shall also include true information on late charges, interest, and costs of collection which, as of the date of the statement, are or may be made a lien upon the owner's interest in a common interest development pursuant to Article 2 (commencing with Section 5650) of Chapter 8.

(5) A copy or a summary of any notice previously sent to the owner pursuant to Section 5855 that sets forth any alleged violation of the governing documents that remains unresolved at the time of the request. The notice shall not be deemed a waiver of the association's right to enforce the governing documents against the owner or the prospective purchaser of the separate interest with respect to any violation. This paragraph shall not be construed to require an association to inspect an owner's separate interest.

(6) A copy of the initial list of defects provided to each member pursuant to Section 6000, unless the association and the builder subsequently enter into a settlement agreement or otherwise resolve the matter and the association complies with Section 6100. Disclosure of the initial list of defects pursuant to this paragraph does not waive any privilege attached to the document. The initial list of defects shall also include a statement that a final determination as to whether the list of defects is accurate and complete has not been made.

(7) A copy of the latest information provided for in Section 6100.

(8) Any change in the association's current regular and special assessments and fees which have been approved by the board, but have not become due and payable as of the date disclosure is provided pursuant to this subdivision.

(9) If there is a provision in the governing documents that prohibits the rental or leasing of any of the separate interests in the common interest development to a renter, lessee, or tenant, a statement describing the prohibition.

(10) If requested by the prospective purchaser, a copy of the minutes of board meetings, excluding meetings held in executive session, conducted over the previous 12 months, that were approved by the board.

(b) This section does not apply to an owner that is subject to Section 11018.6 of the Business and Professions Code.

~~SEC. 11.~~

SEC. 15. Section 4528 of the Civil Code is amended to read:

4528. The form for billing disclosures required by Section 4530 shall be in at least 10-point type and substantially the following form:

CHARGES FOR DOCUMENTS PROVIDED AS REQUIRED BY SECTION 4525*

Property Address

Owner of Property

Owner's Mailing Address (If known or different from property address.)

Provider of the Section 4525 Items:

Print Name _____ Position or Title _____ Association or Agent

Date Form Completed

Check or Complete Applicable Column or Columns Below

Document	Civil Code Section Included	Not Available (N/A) or Not Applicable (N/App)
----------	-----------------------------	---

Articles of Incorporation or statement that not incorporated	Section 4525(a)(1)	
--	--------------------	--

1		
2	CC&Rs	Section 4525(a)(1)
3		
4	Bylaws	Section 4525(a)(1)
5		
6	Operating Rules	Section 4525(a)(1)
7		
8	Age restrictions, if any	Section 4525(a)(2)
9	Rental restrictions, if any	Section 4525(a)(9)
10	Annual budget report or summary,	Sections 5300 and
11	including reserve study	4525(a)(3)
12		
13	Assessment and reserve funding	Sections 5300 and
14	disclosure summary	4525(a)(4)
15		
16	Financial statement review	Sections 5305 and
17		4525(a)(3)
18		
19	Assessment enforcement policy	Sections 5310 and
20		4525(a)(4)
21		
22	Insurance summary	Sections 5300 and
23		4525(a)(3)
24		
25	Regular assessment	Section 4525(a)(4)
26		
27	Special assessment	Section 4525(a)(4)
28		
29	Emergency assessment	Section 4525(a)(4)
30		
31	Other unpaid obligations of seller	Sections 5675 and
32		4525(a)(4)
33		
34	Approved changes to assessments	Sections 5300 and
35		4525(a)(4), (8)
36		
37	Settlement notice regarding	Sections 4525(a)(6),
38	common area defects	(7), and 6100
39		

Preliminary list of defects Sections 4525(a)(6),
6000, and 6100

Notice(s) of violation Sections 5855 and
4525(a)(5)

Required statement of fees Section 4525

Minutes of regular board meetings Section 4525(a)(10)
conducted over the previous 12
months, if requested

Total fees for these documents:

* The information provided by this form may not include all fees that may be
imposed before the close of escrow. Additional fees that are not related to the
requirements of Section 4525 may be charged separately.

~~SEC. 12.~~

SEC. 16. Section 4530 of the Civil Code is amended to read:

4530. (a) (1) Upon written request, the association shall,
within 10 days of the mailing or delivery of the request, provide
the owner of a separate interest, or any other recipient authorized
by the owner, with a copy of the requested documents specified
in Section 4525.

(2) The documents required to be made available pursuant to
this section may be maintained in electronic form, and may be
posted on the association's Internet Web site. Requesting parties
shall have the option of receiving the documents by electronic
transmission if the association maintains the documents in
electronic form.

(3) Delivery of the documents required by this section shall not
be withheld for any reason nor subject to any condition except the
payment of the fee authorized pursuant to subdivision (b).

(b) (1) The association may collect a reasonable fee based upon
the association's actual cost for the procurement, preparation,
reproduction, and delivery of the documents requested pursuant
to this section. Additional fees shall not be charged by the
association for the electronic delivery of the documents requested.

(2) Upon receipt of a written request, the association shall provide, on the form described in Section 4528, a written or electronic estimate of the fees that will be assessed for providing the requested documents.

(3) (A) A cancellation fee for documents specified in subdivision (a) shall not be collected if either of the following applies:

(i) The request was canceled in writing by the same party that placed the order and work had not yet been performed on the order.

(ii) The request was canceled in writing and any work that had been performed on the order was compensated.

(B) The association shall refund all fees collected pursuant to paragraph (1) if the request was canceled in writing and work had not yet been performed on the order.

(C) If the request was canceled in writing, the association shall refund the share of fees collected pursuant to paragraph (1) that represents the portion of the work not performed on the order.

(4) Fees for any documents required by this section shall be distinguished from other fees, fines, or assessments billed as part of the transfer or sales transaction.

(c) An association may contract with any person or entity to facilitate compliance with this section on behalf of the association.

(d) The association shall also provide a recipient authorized by the owner of a separate interest with a copy of the completed form specified in Section 4528 at the time the required documents are delivered.

SEC. 17. Section 4920 of the Civil Code is amended to read:

4920. (a) Except as provided in subdivision (b), the association shall give notice of the time and place of a board meeting at least four days before the meeting.

(b) (1) If a board meeting is an emergency meeting held pursuant to Section 4923, the association is not required to give notice of the time and place of the meeting.

(2) If a nonemergency board meeting is held solely in executive session, the association shall give notice of the time and place of the meeting at least two days prior to the meeting.

(3) If the association's governing documents require a longer period of notice than is required by this section, the association shall comply with the period stated in its governing documents, *except for a notice of an emergency meeting or a meeting held*

1 *solely in executive session when the governing documents do not*
2 *specifically provide a period of notice for these meetings.*

3 (c) Notice of a board meeting shall be given by general delivery
4 pursuant to Section 4045.

5 (d) Notice of a board meeting shall contain the agenda for the
6 meeting.

7 ~~SEC. 13.~~

8 *SEC. 18.* Section 12191 of the Government Code is amended
9 to read:

10 12191. The miscellaneous business entity filing fees are the
11 following:

12 (a) Foreign Associations, as defined in Sections 170 and 171
13 of the Corporations Code:

14 (1) Filing the statement and designation upon the qualification
15 of a foreign association pursuant to Section 2105 of the
16 Corporations Code: One hundred dollars (\$100).

17 (2) Filing an amended statement and designation by a foreign
18 association pursuant to Section 2107 of the Corporations Code:
19 Thirty dollars (\$30).

20 (3) Filing a certificate showing the surrender of the right of a
21 foreign association to transact intrastate business pursuant to
22 Section 2112 of the Corporations Code: No fee.

23 (b) Unincorporated Associations:

24 (1) Filing a statement in accordance with Section 18200 of the
25 Corporations Code as to principal place of office or place for
26 sending notices or designating agent for service: Twenty-five
27 dollars (\$25).

28 (2) Insignia Registrations: Ten dollars (\$10).

29 (c) Community Associations and Common Interest
30 Developments:

31 (1) Filing a statement by a community association in accordance
32 with Section 5405 of the Civil Code to register the common interest
33 development that it manages: An amount not to exceed thirty
34 dollars (\$30).

35 (2) Filing an amended statement by a community association
36 in accordance with Section 5405 of the Civil Code: No fee.

37 *SEC. 19.* Section 65582 of the Government Code is amended
38 to read:

39 65582. As used in this article, the following definitions apply:

1 (a) “Community,” “locality,” “local government,” or
2 “jurisdiction” means a city, city and county, or county.

3 (b) “Council of governments” means a single or multicounty
4 council created by a joint powers agreement pursuant to Chapter
5 5 (commencing with Section 6500) of Division 1 of Title 1.

6 (c) “Department” means the Department of Housing and
7 Community Development.

8 (d) “Emergency shelter” has the same meaning as defined in
9 subdivision (e) of Section 50801 of the Health and Safety Code.

10 (e) “Housing element” or “element” means the housing element
11 of the community’s general plan, as required pursuant to this article
12 and subdivision (c) of Section 65302.

13 (f) ~~“Supportive housing” has the same meaning as defined in~~
14 ~~subdivision (b) of Section 50675.14 of the Health and Safety Code~~
15 *means housing with no limit on length of stay, that is occupied by*
16 *the target population, and that is linked to an onsite or offsite*
17 *service that assists the supportive housing resident in retaining*
18 *the housing, improving his or her health status, and maximizing*
19 *his or her ability to live and, when possible, work in the community.*

20 (g) ~~“Target population” means persons with low incomes who~~
21 ~~have one or more disabilities, including mental illness, HIV or~~
22 ~~AIDS, substance abuse, or other chronic health condition, or~~
23 ~~individuals eligible for services provided pursuant to the~~
24 ~~Lanterman Developmental Disabilities Services Act (Division 4.5~~
25 ~~(commencing with Section 4500) of the Welfare and Institutions~~
26 ~~Code) and may include, among other populations, adults,~~
27 ~~emancipated minors, families with children, elderly persons, young~~
28 ~~adults aging out of the foster care system, individuals exiting from~~
29 ~~institutional settings, veterans, and homeless people.~~

30 ~~(g)~~
31 (h) ~~“Transitional housing” has the same meaning as defined in~~
32 ~~subdivision (h) of Section 50675.2 of the Health and Safety Code~~
33 *means buildings configured as rental housing developments, but*
34 *operated under program requirements that require the termination*
35 *of assistance and recirculating of the assisted unit to another*
36 *eligible program recipient at a predetermined future point in time*
37 *that shall be no less than six months from the beginning of the*
38 *assistance.*

39 ~~SEC. 14.~~

40 SEC. 20. Section 65585.2 of the Government Code is repealed.

1 ~~SEC. 15.~~

2 *SEC. 21.* Section 13114 of the Health and Safety Code is
3 amended to read:

4 13114. (a) The State Fire Marshal, with the advice of the State
5 Board of Fire Services, shall adopt regulations and standards as
6 he or she may determine to be necessary to control the quality and
7 installation of fire alarm systems and fire alarm devices marketed,
8 distributed, offered for sale, or sold in this state.

9 (b) (1) No person shall market, distribute, offer for sale, or sell
10 any fire alarm system or fire alarm device in this state unless the
11 system or device has been approved and listed by the State Fire
12 Marshal.

13 (2) (A) *Except as provided in subparagraph (B), commencing*
14 *July 1, 2014, in order to be approved and listed by the State Fire*
15 *Marshal, a smoke alarm that is only operated by a battery shall*
16 *contain a nonreplaceable, nonremovable battery that is capable*
17 *of powering the smoke alarm for at least 10 years.*

18 (B) *This paragraph shall not apply to smoke alarms that have*
19 *been ordered by, or are in the inventory of, an owner, managing*
20 *agent, contractor, wholesaler, or retailer on or before July 1, 2015.*

21 ~~(2)~~

22 (3) (A) Commencing January 1, 2015, in order to be approved
23 and listed by the State Fire Marshal, a smoke alarm shall display
24 the date of manufacture on the device, provide a place on the device
25 where the date of installation can be written, *and* incorporate a
26 hush feature, ~~and, if battery operated, contain a nonreplaceable,~~
27 ~~nonremovable battery that is capable of powering the smoke alarm~~
28 ~~for a minimum of 10 years~~ *feature.*

29 (B) The State Fire Marshal shall have the authority to create
30 exceptions to this paragraph through its regulatory process. The
31 exceptions that may be considered as part of the regulatory process
32 shall include, but are not limited to, fire alarm systems with smoke
33 detectors, fire alarm devices that connect to a panel, or other
34 devices that use a low-power radio frequency wireless
35 communication signal.

36 ~~(3)~~

37 (4) The State Fire Marshal shall approve the manufacturer's
38 instructions for each smoke alarm and shall ensure that the
39 instructions are consistent with current building standard
40 requirements for the location and placement of smoke alarms.

1 SEC. 22. *Section 50675.14 of the Health and Safety Code is*
2 *amended to read:*

3 50675.14. (a) This section shall apply only to projects funded
4 with funds appropriated for supportive housing projects.

5 (b) For purposes of this section the following terms have the
6 following meanings:

7 (1) “May restrict occupancy to persons with veteran status”
8 means that the sponsor may limit occupancy to persons meeting
9 the criteria of paragraphs (1) and (2) of subdivision ~~(h)~~ (j) with
10 respect to either of the following:

11 (A) Any unit in the development that has not been previously
12 occupied.

13 (B) Any unit in the development that subsequently becomes
14 vacant, for a period of not more than 120 days following the
15 vacancy.

16 (2) “Supportive housing” means housing with no limit on length
17 of stay, that is occupied by the target population, and that is linked
18 to onsite or offsite services that assist the supportive housing
19 resident in retaining the housing, improving his or her health status,
20 and maximizing his or her ability to live and, when possible, work
21 in the community.

22 (3) (A) “Target population” means persons, including persons
23 with disabilities, and families who are “homeless,” as that term is
24 defined by Section 11302 of Title 42 of the United States Code,
25 or who are “homeless youth,” as that term is defined by paragraph
26 (2) of subdivision (e) of Section 11139.3 of the Government Code.

27 (B) Individuals and families currently residing in supportive
28 housing meet the definition of “target population” if the individual
29 or family was “homeless,” as that term is defined by Section 11302
30 of Title 42 of the United States Code, when approved for tenancy
31 in the supportive housing project in which they currently reside.

32 (c) (1) The department shall ensure that at least 40 percent of
33 the units in each development funded under the supportive housing
34 program are targeted to one or more of the following populations:

35 (A) Individuals or families experiencing “chronic
36 homelessness,” as defined by the United States Department of
37 Housing and Urban Development’s Super Notice of Funding
38 Availability for Continuum of Care or Collaborative Applicant
39 Program.

1 (B) “Homeless youth,” as that term is defined by paragraph (2)
2 of subdivision (e) of Section 11139.3 of the Government Code.

3 (C) Individuals exiting institutional settings, including, but not
4 limited to, jails, hospitals, prisons, and institutes of mental disease,
5 who were homeless when entering the institutional setting, who
6 have a disability, and who resided in that setting for a period of
7 not less than 15 days.

8 (2) The department may decrease the number of units required
9 to meet the criteria identified in paragraph (1) if the department
10 determines that the program is undersubscribed after issuing at
11 least one Notice of Funding Availability.

12 (3) Individuals and families currently residing in supportive
13 housing meet the qualifications under this subdivision if the
14 individual or family met any of the criteria specified in
15 subparagraph (A), (B), or (C) of paragraph (1) when approved for
16 tenancy in the supportive housing project in which they currently
17 reside.

18 (d) Supportive housing projects shall provide or demonstrate
19 collaboration with programs that provide services that meet the
20 needs of the supportive housing residents.

21 (e) The criteria, established by the department, for selecting
22 supportive housing projects shall give priority to supportive
23 housing projects that include a focus on measurable outcomes and
24 a plan for evaluation, which evaluation shall be submitted by the
25 borrowers, annually, to the department.

26 (f) The department may provide higher per-unit loan limits as
27 reasonably necessary to provide and maintain rents that are
28 affordable to the target population.

29 (g) In an evaluation or ranking of a borrower’s development
30 and ownership experience, the department shall consider experience
31 acquired in the prior 10 years.

32 (h) (1) A borrower shall, beginning the second year after
33 supportive housing project occupancy, include the following data
34 in his or her annual report to the department. However, a borrower
35 who submits an annual evaluation pursuant to subdivision (c) may,
36 instead, include this information in the evaluation:

37 (A) The length of occupancy by each supportive housing
38 resident for the period covered by the report and, if the resident
39 has moved, the reason for the move and the type of housing to
40 which the resident moved, if known.

1 (B) Changes in each supportive housing resident's employment
2 status during the previous year.

3 (C) Changes in each supportive housing resident's source and
4 amount of income during the previous year.

5 (D) The tenant's housing status prior to occupancy, including
6 the term of the tenant's homelessness.

7 (2) The department shall include aggregate data with respect to
8 the supportive housing projects described in this section in the
9 report that it submits to the Legislature pursuant to Section
10 50675.12.

11 (i) The department shall consider, commencing in the second
12 year of the funding, the feasibility and appropriateness of
13 modifying its regulations to increase the use of funds by small
14 projects. In doing this, the department shall consider its operational
15 needs and prior history of funding supportive housing facilities.

16 (j) Notwithstanding any other provision of law, the sponsor of
17 a supportive housing development may restrict occupancy to
18 persons with veteran status if all the following conditions apply:

19 (1) The veterans possess significant barriers to social
20 reintegration and employment that require specialized treatment
21 and services that are due to a physical or mental disability,
22 substance abuse, or the effects of long-term homelessness.

23 (2) The veterans are otherwise eligible to reside in an assisted
24 unit.

25 (3) The sponsor also provides, or assists in providing, the
26 specialized treatment and services.